

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TD BANK, N.A.,

Plaintiff,

- against -

BARBARA MILLER,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/3/2022

18 Civ. 10608 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

After Plaintiff and Defendant filed their opening and opposition briefs, respectively, on the issues on remand, Plaintiff filed a three-page reply brief (see Dkt. No. 76) on October 25, 2022. Defendant filed an opposition letter (see Dkt. No. 77) on October 27, 2022, objecting to consideration of Plaintiff's reply brief on the grounds that it was filed without leave of the Court as the Court's September 1, 2022 Amended Scheduling Order (see Dkt. No. 73) did not provide for further briefing. In the alternative, Defendant requested that its opposition letter be deemed a sur-reply. (See Dkt. No. 77.) On October 31, 2022, Plaintiff filed a letter response (see Dkt. No. 78), arguing that this Court's August 4, 2022 Order (see Dkt. No. 70) permitted Plaintiff to file a three-page reply brief.

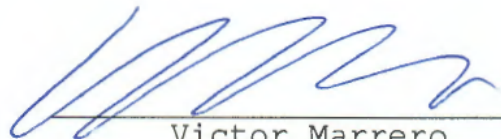
Upon review of the parties' letters, it is hereby

ORDERED that Plaintiff's three-page reply brief (see Dkt. No. 76) filed on October 25, 2022 shall be accepted as part of the motion filings; and it is further

ORDERED that Defendant's opposition letter (see Dkt. No. 77) filed on October 27, 2022 shall be deemed a sur-reply.

SO ORDERED.

Dated: New York, New York
3 November 2022



Victor Marrero
U.S.D.J.